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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/784,852	02/16/2001	Akihiro Hino	SCEI 3.0-045	3840

7590 05/11/2004
Lerner, David, Littenberg,
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600 South Avenue, West
Westfield, NJ 07090

EXAMINER

CASCHERA, ANTONIO A

ART UNIT	PAPER NUMBER
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2676

16

DATE MAILED: 05/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/784,852

Applicant(s)

HINO ET AL.

Examiner

Antonio A Caschera

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 26-38 is/are allowed.
- 6) ☒ Claim(s) 39-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. Receipt is acknowledged of a request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e) and a submission, filed on 3/1/04.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in the pending application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 39-42 rejected under 35 U.S.C. 102(b) as being anticipated by Rice (U.S. Patent 5,325,480).

In reference to claims 39-42, Rice discloses a method of generating dynamically altering images capable of simulating fluid effects on a static scene (see column 1, lines 33-35). Rice discloses creating an image rendering pattern of the letter, "A" by moving a "viewing area window" across the letter (see column 4, lines 61-63 and Figure 6). Rice also discloses the image rendering pattern to comprise of a plurality of image portions extractable in a sequence to

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display different extracted portions of the pattern to simulate motion of the image (see Figure 7A of Rice). Note, the office interprets an image block (#48, 50, 52, etc. of Figure 7A) of Rice equivalent to the first image portion of applicant's claims. Rice further discloses combining a texture map image with the extracted image portion and a non-linear combination of an offset vector and a prior location of the image portion (see column 5, lines 36-39, Figure 5B, Figure 7B and #72, 74 and 76 of Figure 8). Note, the office interprets the texture map image and offset vector together form a "mask" feature comprising of background information (the static texture map image (see column 3, lines 60-65)) and first image portion information (the location of the image portion in the scene using the offset vector), such a "mask" equivalent to the "mask pattern" of applicant's claims. Further note, the office interprets each image portion formed to the texture map image equivalent to the generated "object image" of applicant's claims. Rice also discloses repeatedly forming the image portion selecting and combining steps to produce a composite image (see column 4, lines 16-20 and #84 of Figure 8). Further, in reference to claim 40, Rice discloses a computer system for generating the altering images according to the above described method (see column 2, lines 46-48 and Figure 1). In reference to claims 41 and 42, Rice discloses the system comprising of proper memory for storing and executing software according to the above described method (see column 2, lines 56-61). Note, the office interprets the computer system of Rice to inherently comprise of a processor for executing the stored software in memory.

Response to Arguments

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4. Applicant's arguments, see pages 9-17, filed 3/1/04, with respect to the rejection of claims 26-37 under 35 U.S.C. 103(a) in view of Arai et al., have been fully considered and are persuasive. The rejection of claims 26-37 has been withdrawn.

Allowable Subject Matter

5. Claims 26-38 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

In reference to claims 26, 30, 34 and 38, the prior art found (Arai et al. (U.S. Patent 6,121,977) and Rice (U.S. Patent 5,325,480)) does not explicitly disclose combining a new second image with a second mask pattern to generate and render a shimmering image of the background in said second rendering area in combination with the further limitations claims 26, 30 and 34.

In reference to claims 27-29, these claims are indicated as allowable as they depend upon allowable claim 26.

In reference to claims 31-33, these claims are indicated as allowable as they depend upon allowable claim 30.

In reference to claims 35-37, these claims are indicated as allowable as they depend upon allowable claim 34.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Antonio Caschera whose telephone number is (703) 305-1391.

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The examiner can normally be reached Monday-Thursday and alternate Fridays between 7:00 AM and 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella, can be reached at (703)-308-6829.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

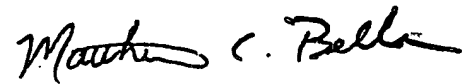
(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

aac

4/19/04



MATTHEW C. BELLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600